

REMARKS

In response to the Office Action dated September 16, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Rejections Under 35 U.S.C. §102

Claims 1, 2, 7-11 and 16-18 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 4,620,460 (hereinafter Gonzales, Jr.). Applicants respectfully traverse.

Claim 1 as amended recites in part:

a key tip; and
an arm portion connected between a second
end of the socket body and the key tip ...

A tool according to Claim 1 includes a key tip. A key tip, for example, can be advantageously used to tighten or loosen female fasteners (see Specification page 4, lines 4-5).

The office action cites Gonzales, Jr. as teaching all of the features of Claim 1. Applicants respectfully disagree. Although Gonzales Jr. discloses a socket set, it does not teach or suggest that any of the sockets have a key tip. Rather, Gonzales Jr. discloses at column 1, lines 48-49 a "shank end 14 which is of hexagonal shape *by which the socket is driven by an appropriate drive means 20*" (emphasis added). Applicants respectfully assert that a shank end is not equivalent to a key tip as recited in Claim 1. Because Gonzales Jr. does not teach or suggest a key tip as recited in Claim 1, Claim 1 and dependent Claims 2 and 7 are distinguishable from Gonzales Jr.

1 Claim 8 recites in part, "means for torquing a first female fastener". As
2 discussed above, Gonzales Jr. discloses a socket set with a shank end by which the
3 socket is driven by an appropriate drive means. Applicants respectfully assert that
4 shank end of Gonzales Jr. is not equivalent to a means for torquing as recited in
5 Claim 8. Therefore, Claim 8 and dependent Claims 9-11 are distinguishable from
6 Gonzales Jr.

7 Claim 16 recites in part, "a first tool including a first socket body having a
8 first socket, *a first key tip*, and a first arm portion connected between the first
9 socket body and the first key tip" (emphasis added). As discussed above in
10 conjunction with the rejection of Claim 1, Gonzales Jr. does not teach or suggest a
11 key tip. Therefore, Claim 16 and dependent Claims 17-18 are distinguishable
12 from Gonzales Jr.

13 Claims 1, 4, 7-9 and 16-19 are rejected under 35 U.S.C. §102(b) as being
14 clearly anticipated by U.S. Patent No. 4,399,723 (hereinafter Marleau.). Applicants
15 respectfully assert that Claims 1, 4 7-9 and 16-19 are not anticipated by Marleau.

16 Claim 1 as amended recites in part:

17 an arm portion connected between a second
18 end of the socket body and the key tip, wherein the
19 arm portion defines an opening to receive a torque
arm device. (emphasis added)

20 Claim 1 is amended to recite an arm portion that defines "an opening to
21 receive a torque arm device". This amendment is fully supported by at least
22 claim 4 as originally filed.

23 The Office Action cites Marleau as teaching all of the features of Claim 1
24 without identifying the specific elements of Marleau that correspond to the
25 elements of Claim 1, so Applicants in a good faith effort to respond to the Office

1 Action identify the elements of Marleau that Applicants believe the Office Action
2 intended to apply in the rejection.

3 Marleau discloses in Figs. 1-4 a number of tool segments having: a wrench
4 socket 14 (which Applicants assume the Office Action argues is equivalent to a
5 socket body); a head 12 (which Applicants assume the Office Action argues is
6 equivalent to a key tip); a shank 10 (which Applicants assume the Office Action
7 argues is equivalent to an arm portion) and a hexagonal bore 18 *in the socket 14*
8 (which Applicants assume the Office Action argues is equivalent to an opening to
9 receive a torque arm device). Applicants respectfully assert that socket 14,
10 head 12, shank 10 and bore 18 do not teach or suggest all of the elements as
11 recited in Claim 1.

12 Marleau does not disclose any openings in the shank 10. Therefore,
13 Marleau does not teach an arm portion with an opening to receive a torque arm
14 device as recited in Claim 1. Rather, as disclosed at col. 2, lines 21-28, Marleau
15 discloses engaging the shank 10 of another tool segment within the bore 18 (in
16 socket 14) to provide rotational leverage. Clearly, it would not be possible to form
17 bore 18 in shank 10 as they have roughly the same width. Accordingly, Marleau
18 fails to teach or suggest an opening in the shank 10.

19 In contrast, Claim 1 recites, "wherein the *arm portion defines an opening* to
20 receive a torque arm device." Because Marleau's shank 10 does not have and
21 cannot operatively have bore 18, Applicants respectfully submit that Marleau does
22 not teach or suggest an arm portion as recited in Claim 1. Claims 4 and 7 depend
23 from Claim 1 and therefore are also distinguishable over Marleau.

24 Further, Claim 4 is amended to recites in part, "wherein the opening
25 *extends partially through the arm portion.*" This feature is supported by at least

1 page 5, lines 10-11 of the Specification as originally filed. Marleau discloses in
2 Fig. 4 that bore 18 extends completely through socket 14. Thus, Marleau does not
3 teach or suggest an opening that extends partially through the arm portion as
4 recited in Claim 4. Therefore, in addition to being distinguishable over Marleau
5 on the same basis as parent Claim 1, dependent Claim 4 is further distinguishable
6 over Marleau.

7 Claim 8 recites in part, "an arm portion connected between the means for
8 torquing and the means for socket wrenching, wherein the arm portion defines an
9 opening to receive a torque arm device." This feature is similar to that discussed
10 above in conjunction with the rejection of Claim 1. Therefore, Claim 8 and
11 dependent Claim 9 are distinguishable over Marleau on a similar basis as Claim 1.

12 Claim 16 recites in part, "wherein the first arm portion includes a torque
13 arm opening to receive a torque arm device". This feature is similar to that
14 discussed above in conjunction with the rejection of Claim 1. Therefore, Claim 16
15 and dependent Claims 17-19 are distinguishable over Marleau on a similar basis as
16 Claim 1.

17 **Rejections Under 35 U.S.C. §103**

18 Claim 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over
19 Gonzales Jr. in view of U.S. Patent No. 4,357,845 (hereinafter Cornia). Applicants
20 respectfully traverse.

21 The Office Action acknowledges that Gonzales Jr. does not disclose a notch
22 in the key tip, and then cites Cornia as disclosing a notch in a key tip without
23 identifying the specific elements of Cornia that correspond to the key tip and the
24 notch. It is unclear if the Office Action is citing drive means 40 with slots 44 and
25 46 as key tip and notch, respectively; or body member 12 with slots 22 and 24 as

1 key tip and notch, respectively. In either case, Applicants respectfully assert that
2 the cited references alone or combination, fail to teach or suggest a key tip as
3 recited in Claim 3.

4 As discussed above, Applicants respectfully assert that Gonzales Jr. does
5 not teach or suggest a key tip. Cornia fails to overcome this deficiency.
6 Considering the first of the above Cornia scenarios, Applicants respectfully assert
7 that drive means 40 is not a key tip. Rather, drive means 40 is for permitting
8 torque to be applied to the body member 12 so that a wingnut can be rotated (see
9 col. 3, lines 3-6). In the second scenario, Applicants respectfully assert that body
10 member 12 is not a key tip. Rather, as described above, body member 12 is used
11 to rotate a wingnut. Therefore, Applicants respectfully assert that Cornia's body
12 member 12 is more similar to a socket than a key tip. Accordingly, neither
13 Gonzales Jr. nor Cornia, alone or in combination, teach or suggest a key tip as
14 recited in Claim 3.

15 Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over
16 Gonzales Jr. in view of U.S. Patent No. 5,086,674 (hereinafter Her) or Marleau.
17 Applicants respectfully assert that Claim 4 is patentable over the cited references.

18 The Office Action acknowledges that Gonzales Jr. does not disclose an
19 opening in the arm for receiving a torque member. As discussed above, Gonzales
20 Jr. does not disclose a key tip and the citation of Her and Marleau in this rejection
21 does not address a key tip. However, in order to move the prosecution forward,
22 will assume that the previous Anticipation rejection of Claim 1 based on Marleau
23 applies to this rejection with regard to the disclosure of the key tip.

24 As discussed above, Marleau does not disclose an opening in an *arm*
25 *portion* of a tool. Rather, Marleau discloses a bore that *extends completely*

1 through a *socket*. Similarly, Her discloses an opening 25 that *extends completely*
2 *through* body 20.

3 In contrast, Claim 4 recites in part, "extends *partially* through the arm
4 portion." Therefore, Applicants respectfully assert that the cited combination does
5 not teach or suggest an opening as recited in Claim 4. Thus, Claim 4 is patentable
6 over the cited references.

7 Claims 5 and 12 stand rejected under 35 U.S.C. §103(a) as being
8 unpatentable over Gonzales Jr. in view of U.S. Patent No. 5,216,940 (hereinafter
9 Hedden). Applicants respectfully traverse.

10 The Office Action acknowledges that Gonzales Jr. does not disclose that
11 the tool is formed of metal. The Office Action then cites Heddon as disclosing a
12 socket wrench formed of metal. However, such a disclosure does not overcome
13 the deficiencies of Gonzales Jr. as described above for parent Claims 1 and 8
14 (namely, Gonzales Jr. does not teach or suggest a key tip or means for torquing as
15 recited as recited in the parent claims). Therefore, Claims 1 and 8 are patentable
16 over Gonzales Jr. and Heddon. Because Claims 5 and 12 respectively depend
17 from Claims 1 and 8, Claims 5 and 12 are patentable over Gonzales Jr. and
18 Heddon for at least the reasons that Claims 1 and 8 are patentable over these
19 references.

20 Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over
21 Gonzales Jr. in view of U.S. Patent No. 4,947,713 (hereinafter Arnold). Applicants
22 respectfully traverse.

23 The Office Action acknowledges that Gonzales Jr. does not disclose a
24 plastic sheath. Arnold is then cited as disclosing a plastic sheath. Applicants
25 respectfully assert that a disclosure of a plastic sheath does not overcome the

1 above-described deficiencies of Gonzales Jr. with regard to Claim 1. Therefore,
2 Claim 1 is patentable over the combination of Gonzales Jr. and Arnold. Because
3 Claim 6 depends from Claim 1, Claim 6 is also patentable over this combination.

4 Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over
5 Gonzales Jr. in view of Hedden and Cornia. Applicants respectfully traverse.

6 . As previously discussed, neither Cornia nor Gonzales Jr. disclose a means
7 for torquing as recited in parent Claim 8. Hedden is cited as disclosing a socket
8 wrench formed of metal. Thus, these three references, alone or in combination,
9 fail to teach or suggest a means for torquing as recited in parent Claim 8.
10 Accordingly, Claim 8 and dependent Claim 13 are both patentable over this
11 combination.

12 Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over
13 Gonzales Jr. in view of Hedden and Cornia, and further in view of Her or Marleau.
14 Applicants respectfully assert that Claim 14 is patentable over the cited combination.

15 As previously discussed, Marleau does not disclose an opening in an *arm*
16 *portion* of a tool. Rather, Marleau discloses a bore that *extends completely*
17 *through a socket*. Similarly, Her discloses an opening 25 that *extends completely*
18 *through body 20*.

19 In contrast, Claim 14 recites in part, “extends *partially* through the arm
20 portion.” Therefore, Applicants respectfully assert that the cited combination does
21 not teach or suggest an opening as recited in Claim 14. Accordingly, Claim 14 is
22 patentable over the cited references.

23 Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over
24 Gonzales Jr. in view of Hedden, Cornia and Her, and further in view of Arnold.
25 Applicants respectfully traverse. Arnold is cited as disclosing plastic sheath. The

1 disclosure of a plastic sheath does not overcome the previously discussed
2 deficiencies of Gonzales Jr., Hedden, Cornia and Her in teaching a means for
3 torquing as recited in Claim 8. Therefore, parent Claim 8 and dependent Claim 15
4 are patentable over the cited combination.

5 Claims 10-12 and 20 stand rejected under 35 U.S.C. §103(a) as being
6 unpatentable over Marleau. Applicants respectfully assert that Claims 10-12 and 20
7 are patentable over Marleau.

8 As previously discussed, Marleau does not teach or suggest an arm portion
9 that defines an opening as recited in Claim 8. The Examiner's Official Notice,
10 even if proper, does not overcome this deficiency. Because Claims 10-12 depend
11 from Claim 8, Claims 10-12 are patentable over Marleau for at least the reasons
12 that Claim 8 is patentable over Marleau.

13 Similarly, Marleau does not disclose a first arm portion that includes a
14 torque arm opening as recited in parent Claim 16. Therefore, Claim 16 and
15 dependent Claim 20 are patentable over Marleau on a similar basis.

16 Claims 10-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable
17 over Marleau in view of Cornia. Applicants respectfully assert that Claims 10-14
18 are patentable over the combination of Marleau and Cornia.

19 As discussed above, Marleau does not teach or suggest an arm portion that
20 defines an opening as recited in parent Claim 8. Cornia is cited as disclosing a
21 notch in a key tip. Applicants have already discussed how Cornia discloses a
22 notch *in a socket* rather than a key tip. Further, such a disclosure would not
23 overcome the previously discussed deficiency of Marleau with regard to the arm
24 portion recited in Claim 8. Thus, Claim 8 is patentable over the combination of
25 Marleau and Cornia. Consequently, Applicants respectfully assert that

1 respectfully request that a Notice of Allowance be issued for this application.
2 Should any matter in this application remain unresolved, the undersigned
3 respectfully requests a teleconference with the Examiner to resolve any such
4 unresolved matters.

5 Respectfully Submitted,

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7 Dated: 12/16/04

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